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CENTRAL FAX CENTER****APR 23 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Elson Dias da Silva	EXAMINER:	VO, ANH T N
SERIAL NO.:	10/823,356	GROUP:	2861
FILED:	04-13-2004	DOCKET NO.:	1000-1399
PATENT NO:	7,066,586		
TITLE:	INK REFILL AND RECHARGING SYSTEM		

**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE
OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is a request to withdraw the following attorneys/agents of record in the above identified application/issued patent:

Luis M. Ortiz, Registration No. 36,230
Kermit D. Lopez, Registration No. 41, 953

The reason for this request is that there is a conflict of interest between the attorneys/agents of record, Kermit Lopez and Luis Ortiz, and the client, Elson Dias da Silva. The client, Elson Dias da Silva, insists upon taking numerous actions with which we have a fundamental disagreement. One example of such an action is a letter to the USPTO from Mr. Silva dated April 20, 2007, which we consider unfounded and harassing, and which is entitled "THIRD NOTIFICATION OF CONTINUOUS MASSIVE IP VIOLATION AND DEMAND FOR COMPENSATION". A copy of this letter is included in **Exhibit A** herewith.

We have repeatedly asked Mr. Silva to discontinue such correspondence, but he has continued to do so against our advice. As such, we have a fundamental disagreement with Mr. Silva and therefore a conflict of interest.

A copy of the disengagement letter that we sent to Mr. Silva on June 1, 2006 is also included in **Exhibit B** herewith.

Please forward all future correspondence in above-identified patent application and/or patent to Mr. Silva at the following address:

Elson Silva, Ph.D.
Av. Dr. Julio Soares de Arruda, 838
Parque Sao Quirino, CEP 13088-300 – Campinas – SP - Brazil

Letter to USPTO, April 21, 2007
U.S. Patent No. 7,066,586
Page 1 of 2

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CENTRAL FAX CENTER

APR 23 2007

Doc Code:

PTO/SB/83 (01-06)

Approved for use through 12/31/2008. OMB 0851-0035

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/823,356
Filing Date	04-13-2004
First Named Inventor	Elson da Silva
Art Unit	2861
Examiner Name	VO, ANH T N
Attorney Docket Number	1000-1399

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

☒ all the attorneys/agents of record.☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

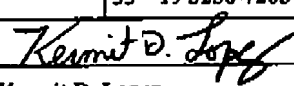
The reasons for this request are:

Conflict of interest. The client insists upon taking numerous actions with which we have a fundamental disagreement.

CORRESPONDENCE ADDRESS

- ☐ The correspondence address is NOT affected by this withdrawal.
- ☒ Change the correspondence address and direct all future correspondence to:
- ☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or	Elson Silva, Ph.D.		
Address	Av. Dr. Julio Soares de Arruda, 838 Parque Sao Quirino, CEP 13088-300 - Campinas - SP - Brazil		
City	Campinas	State	SP
Country	Brazil		
Telephone	55 * 19 3256-7265	Email	el_silva@uol.com.br
Signature			
Name	Kermit D. Lopez	Registration No.	41,953
Date	April 21, 2007	Telephone No.	505-314-1310

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT A

Correspondence to USPTO from Elson Dias da Silva

General Counsel
U.S. Patent and Trademark Office
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

<http://tubarc.blogspot.com/>

THIRD NOTIFICATION OF CONTINUOUS MASSIVE IP VIOLATION AND DEMAND FOR COMPENSATION

It seems that USPTO is accountable for mishandling patenting issues violating science, ignoring common knowledge on text books, and driving my project to failure. I am accumulating many losses because advanced knowledge from my Ph. D. text books are being disregarded in favor of a language of laypeople not even in Hydrology. USPTO negligent work is resulting in damage to my personal and professional life as the institution fails on its mission discouraging inventors to pursue deep knowledge expanding the frontiers of science and technological innovations.

Frankly, any high school student understands that fluid movement deals with Hydrology and my Hydrology textbooks have nothing about wick or wicking. In the field of art of Hydrology there is nothing that deals with wick or wicking simply because this word from laypeople has compliances to thermodynamics associated to the functioning of oil lamps.

USPTO cannot allow a wick that fail as a wick, or any wicking that is different from the hydrology of oil lamps because it violates their implied etymology.

USPTO cannot allow the expression 'capillary pumping' simply because it hurts common knowledge in Soil Physics and Hydrogeology since there is no pumping and fluid moves in response to a gradient of unsaturated hydraulic flow potential..

I have this impression that Mr. Housel Attorney-Advisor does not understand much about patenting affairs. He said 'While it is true that certain benefits may accrue from a strict rule for consistent use of the terminology, the U. S. patent system follow a more flexible, general principle that allows for a more fluid description of inventions. As such, the Office will generally only object to terminology in an application for patent if it would lead one of ordinary skill in the art to a misunderstanding of the invention described and claimed'.

He missed the most important point in the patenting process – comparison. After understanding the invention it is necessary to contrast the patent application with the present knowledge standing in the scientific literature and the issued patents holding in the database. How does Patent Examiners contrast laypeople language with terminology of advanced technology on issued patents? What is Hydrology Science saying about wicks? Is this claimed wick a real wick? Can it perform as a wick on oil lamps? Is not it unsaturated hydraulic flow as states since 1907 by Edgard Buckingham commonly mentioned on Soil Physics literature for fluids moving on porous systems and deeply portrayed at US pat. 6,766,817 as the first patent to gauge flow moving on artificial porosity media? Why to accept laypeople terminology when deep science is in the scientific literature starting in 1856 and now conveying to patenting under US 6,766,817?

Why is the Office accepting laypeople terminology and neglecting advanced science with common knowledge holding in the text books near a century?

I am not opposing to any laypeople terminology, but the precise scope of the words that is allowed under such etymology. Wicks can be accepted since the device can work as a wick standing high temperature of flames, and wicking within the scope of oil lamp hydrology, upward unsaturated flow toward a flame.

USPTO is disrespecting scientific common knowledge of fluid moving on porosity with the following long standing historic profile:

1. **1856 – Saturated Hydraulic Flow:** Henry Darcy in France introduced the first conceptions of fluid moving on porosity when he was studying water flow dynamics on sandy filters. He proposed his famous Darcy's Law equation for Saturated Hydraulic Flow: ' *the velocity of flow is proportional to the hydraulic gradient* '.
2. **1907 – Unsaturated Hydraulic Flow:** Near a century ago in order to describe **water flow** through **unsaturated soil** which is above the water table **Egard Buckingham** proposed a modification of Darcy's Law in 1907 trying to describe mathematically fluid flowing on porosity
3. **2004 – Unsaturated/Saturated Hydraulic Flow:** *US Pat. 6,766,817 p.1 line 65 : 'A fluid that possesses a positive pressure can be generally defined in the field of hydrology as saturated fluid. Likewise, a fluid that has a negative pressure (i.e., or suction) can be generally defined as an unsaturated fluid. Fluid matric potential can be negative or positive. For example, water standing freely at an open lake, can be said to stand under a gravity pull. The top surface*

*of the liquid of such water accounts for zero pressure known as the water table or hydraulic head. Below the water table, the water matric potential (pressure) is generally positive because the weight of the water increases according to parameters of force per unit of area. When water rises through a capillary tube or any other porosity, the water matric potential (e.g., conventionally negative pressure or suction) is negative because the solid phase attracts the water upward relieving part of its gravitational pull to the bearing weight. **The suction power comes from the amount of attraction in the solid phase per unit of volume in the porosity.***

My personal and professional losses due to USPTO negligent work are listed below:

1. I am seen as a scientist that writes useless patents because my deep knowledge is being ignored by USPTO supporting laypeople terminology. I am being rejected for being too advanced. This is unbelievable and unacceptable for a developed country. I was supposed to be handling a budget of some millions of dollars by now, hiring hundreds of employees, and filing dozens of new patents if USPTO had soon respected and enforced the claims under all my issued patents **6,766,817**, **6,918,404**, and **7,066,586** and others waiting.
2. I am near divorce since I am a serious scientist that does not bring money home to support my family. My project that is near 10 years running since I had to leave a public job in the government to pursue a scientific discovery that I believed was the tip of a huge gap in science and technology. Consequently, USPTO negligent work is also hurting my family that does not get my support for their basic need. Sincerely, I make just some money teaching English as a foreign language because my PhD at Penn State Univ. allowed me to get three issued patents that are blatantly violated for being too advanced for Patent Examiners and a sick system that does not like to pay fairly.
3. My partners patent attorneys are not representing me anymore because they think that I have no right to defend my own rights and ask USPTO to stop violating science and respect common knowledge in my Ph. D. textbooks instead of endorsing laypeople with shallow hydrological background. They closed my website www.tubarc.com and are to representing me no more, trying to dump the acquired rights under my issued patents. They even accused me of being a patent troll and rant. They do not understand that knowledge cannot be destroyed and that good side is likely to prevail over time. I am a scientist that spent 14 years studying Agricultural Sciences, with publications in the cover of journals, and even Bill Clinton was in my PhD commencement. I am a respected scientist that acquired strong background in Philosophy of Science knowing deeply the boundaries of knowledge and that wick is a device of lay people not addressed in the common literature of my PhD textbooks I earned at The Pennsylvania State University. It is unfair to call me troll when I did more than 3,000 experiments during seven years to gauge all the information necessary to grab new conceptions in hydrodynamics not yet in the scientific literature. My project is failing not because of Hydrological conceptions, but because of institutional negligence and disrespect to common knowledge on textbooks near a century. US pat. 6,766,817 is the first patent to mention the expression 'Unsaturated Hydraulic Flow' even it has been in the scientific literature since 1907 by Edgard Buckingham.

Pursuing a Scientific Discovery 049 Great Ideas
Pursuing a Scientific Discovery 063 Plant Collection II

<http://revver.com/watch/162737>
<http://revver.com/watch/201696>

4. I am deeply disappointed with the USPTO because I spent 7 years doing research spending low personal resources in order to write my patent which ended up having 23 figure and 32 pages of text deeply opening new hydrological edges to promote many industries depending on hydrology of fluids moving on porosity. Lousy patents from laypeople are just ignoring my advanced knowledge with USPTO accomplice.
5. I had to send to USPTO notification letters of massive patent violation hurting deeply science simply because I am a poor scientist with no resources to sue at the Court of the Law all patents violating my IP rights, like multinationals do.
6. I had to record 130 videos so far and make them available online exposing USPTO negligent job and my image since I sent 30 letters to the press about the massive patent violation and there was not a single line in the press about my claims (Network News Service, The New Yorker, Los Angeles Times, Daily News Incorporated, Miami Herald, Southwest Messenger Newspapers, Arkansas News Bureau, Bloomberg Business News, CBS Incorporated, Global Information Network, Houston Chronicle, Las Vegas News Bureau, New York Daily News, Pacific New Services, Reuters, Standard News, Tass News Agency, The Canadian Press, The Outlook, USA News Network, CNN, Headline News, ABC News Inc., AFP Agence France-Presse, Associated Press, New York Times, Fox News Channel, The Washington Post, Reuters, BBC News, USA TODAY)

Pursuing a Scientific Discovery 001 Deep Science
Pursuing a Scientific Discovery 002 Clinton
Pursuing a Scientific Discovery 003 Advanced Gardening
Pursuing a Scientific Discovery 004 Violation of Science
Pursuing a Scientific Discovery 005 Self-Inking
Pursuing a Scientific Discovery 011 Advanced Gardening
Pursuing a Scientific Discovery 012 Water Balance
Pursuing a Scientific Discovery 014 Christmas Gift

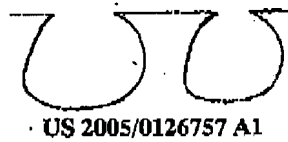
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Pursuing a Scientific Discovery 015 The Breakthrough
 Pursuing a Scientific Discovery 028 Massive Patent Violation
 Pursuing a Scientific Discovery 031 Neglecting Hydrology
 Pursuing a Scientific Discovery 032 Unsaturated Hydraulic Siphon
 Pursuing a Scientific Discovery 037 Fluid Conductivity
 Pursuing a Scientific Discovery 038 Ignoring Text Books
 Pursuing a Scientific Discovery 039 A Scientific Discovery
 Pursuing a Scientific Discovery 040 Just Imagine
 Pursuing a Scientific Discovery 041 New Patents
 Pursuing a Scientific Discovery 058 Tubarc I
 Pursuing a Scientific Discovery 059 Tubarc II
 Pursuing a Scientific Discovery 060 Unsaturated Flow
 Pursuing a Scientific Discovery 062 Plant Collection I
 Pursuing a Scientific Discovery 061 Conductivity
 Pursuing a Scientific Discovery 064 Fluid Assessment
 Pursuing a Scientific Discovery 065 Dripping Unsaturated Flow I
 Pursuing a Scientific Discovery 066 Dripping Unsaturated Flow II
 Pursuing a Scientific Discovery 074 Molecular Filtering 2
 Pursuing a Scientific Discovery 068 Dripping Unsaturated Flow IV
 Pursuing a Scientific Discovery 070 Molecular Connectivity
 Pursuing a Scientific Discovery 069 Dripping Unsaturated Flow V
 Pursuing a Scientific Discovery 071 Dripping Unsaturated Flow VI
 Pursuing a Scientific Discovery 072 Molecular Connectivity 2
 Pursuing a Scientific Discovery 073 Molecular Filtering
 Pursuing a Scientific Discovery 067 Dripping Unsaturated Flow III

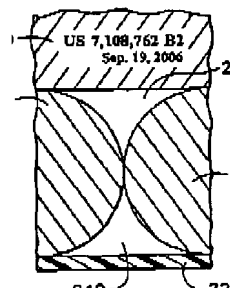
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<http://revver.com/watch/201771>

Unhappily, Mr. Cho, the South Korean guy was right about one thing, good guys with PhD do not make headlines; only perverting actions that hurt innocents can get through the media, which profits more from atrocities than good deeds.

As a scientist I have a deep comprehension of life. Mr. Cho Seung-Hui was right about rich guys manipulating the system for their advantage and having negligent institutions supporting this trend. The applicant of US 20050126757 tried to claim the same drawing as Tubarc in their figure 4. The company failed to file a formally requested IDS, and only started discussing the subject after their lousy patent of poorly drawn figures and just two pages of texts with a paragraph in hydrology which was rejected by USPTO. The group company makes around \$8 billion pounds worldwide yearly and moved their factory to China. There is a fair chance that this company is violating US 6,766,817 exporting manufactured product with that geometry it was aimed patent protection in the US.



Patent US 7,108,762 employs the same hydrology and geometry of Tubarc US 6,766,817 and was not supposed to be issued, but it got through using lay people terminology and low profile hydrology background. Any PhD in Soil Physics and Hydrogeology can confirm such conflict and many others I collect continuously that are leaking through a shallow hydrology from lay people not in the field with accomplice of USPTO for not having adequate personnel.



Mr. Cho was a troubled young man that did not understand that rich guys have different problems for being rich, like obesity and that when people die, they take no money or fame with them and that we have to live up to the end and see what we can score surviving and playing fair rules in balance with nature. Nature balance does not care about wealth or fame.

Pursuing a Scientific Discovery 030 Life Functioning <http://revver.com/watch/198747>
 Pursuing a Scientific Discovery 023 Mystery of Life Secret <http://revver.com/watch/201171>

I have near the same despair as Mr. Cho Seung-Hui. Since I am a PhD with deep understanding on life functioning and fairness to pursue our goals, I believe that my duty is to live my life to end, hurt no single innocent soul, and see USPTO canceling thousands of patents for violation of science and respect common knowledge on textbooks. Perhaps Mr. Thomas Edison is the man who got thousands of patents. I do not mind being the scientist canceling thousands of patents rescuing Hydrology from a strong disregard. Around 22,225 issued patents on wick/wicking likely fail as wick or the hydrology of oil lamps. No single patent on wick/wicking has ever measured Unsaturated Hydraulic Conductivity as taught in Soil Physics and Hydrogeology. Around 80,154 issued patents on capillary/capillarity are very likely to hurt tube theory that is updated by new insights under by US 6,766,817.

My demand to USPTO is the following:

1. Immediately stop violating science by respecting the deep knowledge and advanced hydrology at Tubarc patents **6,766,817**, **6,918,404**, and **7,066,586**. I suggest hiring Patent Examiners with background in Soil Physics and/or Hydrogeology so that they can provide a professional approval of fluids moving on porosity, respecting the claims and content of issued patents on advanced hydrology. Immediately stop accepting laypeople terminology of wick/wicking unless the subject is associated to oil lamps and candles.
2. Cancel thousands patents (95,413 on wick/wicking/capillary/capillarity) employing wick that fails as wick, and wicking that goes beyond the functioning of oil lamps hydrology, unsaturated hydraulic flow upward. Wick and wicking can only be allowed to oil lamps and candle because there is a complex and advanced science to address fluid moving on porosity that is standing on text books more than a century. Capillarity is only valid for fluids moving inside cylindrical structures as Tubarc is providing a technological upgrade for new conceptions in hydrodynamics.
3. Make a reasonable compensatory payment to myself for the damages to my professional and personal life, as well as my family, resulted from a negligent work so far letting many issued patents violate Tubarc patents. This is necessary to cover my accumulating losses since it may take some years till inventors and potential licensees start to understand that USPTO is a serious institution that intends to respect common knowledge holding on text books and that advanced science will prevail over laypeople terminology. Potential licensees will reward IP of **6,766,817**, **6,918,404**, and **7,066,586** only after USPTO shows that IP will be enforced under the law and common knowledge will be respected.

Just for your information, I have a family of three kids and two of my kids were born during my PhD in the US. Also, I ran two half-marathons while in the US. I have no guns and I think that hurting innocent people is a bad way to get media attention; even it works because the press has the main goal of making money as atrocities sells higher than good deeds like mine. Lots of information about me is available online.

http://www.youtube.com/results?search_query=Tubarc&search=Search
<http://www.metacafe.com/user/3998421/tubarc>
<http://one.revver.com/find/video/tubarc>
<http://videolog.uol.com.br/busca.php?tags=tubarc>
<http://tubarc.blogspot.com/>

As scientist I am conscious that we are facing a huge scientific and technological gap in Hydrology that after some repair should provide economic rewards to the patenting system and many industries delivering advanced products that bear enhanced hydrology for controlling hydrodynamic properties of fluids moving on porosity media.

The hydrology of my patents never fails, but my project is failing due to USPTO negligence handling my IP rights. Nobody is going to provide rewards compensation for my intellectual property if USPTO allows lay people terminology persists by a distorted system employing alternative ways to circumvent IP hurting science and disrespecting common knowledge standing on textbooks.

Pursuing a Scientific Discovery 058 Tubarc I
 Pursuing a Scientific Discovery 064 Fluid Assessment

<http://revver.com/watch/160671>
<http://revver.com/watch/201752>

If USPTO attends my demands, people will start to believe that the knowledge they get on text books is safely fit for patenting affairs having a serious institution honoring it encouraging new inventions and technological development.

I have no problem quitting my project and do something else in my life if USPTO is like Mr. Cho Seung-Hui thought as a rich guys toy for grabbing the resources and hurting science in a pretending society that the winner may likely be a subtle loser. If USPTO asserts that knowledge from my PhD textbooks are worthless there, then I should move on and do something else in my life. Hydrology never fails as many of my videos teach about it.

Kind regards,

Campinas, Brazil, April 20, 2006

Elson Silva, Ph. D.
 Tubarc Technologies, LLC
 Av. Dr. Júlio Soares de Arruda, 838 Parque São Quirino
 CEP 13088-300 - Campinas - SP - Brazil
 Phone 55 *19 3256-7265
 Email: el_silva@uol.com.br
<http://tubarc.blogspot.com/>

EXHIBIT B

Disengagement Letter to Client Dated June 1, 2006

Letter to USPTO, April 21, 2007
Page 2 of 2

ORTIZ & LOPEZ, PLLC

PATENT ATTORNEYS

Mailing Address:
P.O. Box 4484
Albuquerque, NM 87196-4484
U.S.A.

117 BRYN MAWR S.E., SUITE 101
ALBUQUERQUE, NEW MEXICO 87106
U.S.A.

www.olpatentlaw.com

PHONE: (505) 314-1310

FAX: (505) 314-1307

June 1, 2006

Elson Silva, Ph. D.
Tubarc Technologies, LLC
Av. Dr. J lio Soares de Arruda, 838
Parque S o Quirino
CEP 13088-300 - Campinas - SP - Brazil

VIA EMAIL

Re: Disengagement

Dear Dr. Silva:

Thank you for the opportunity to work with you in the filing and preparation of your patent applications. We were happy to assist you with the filing of the following patent applications, referenced by the following attorney docket numbers, patent application serial numbers and/or issued patent numbers:

1000-1028, U.S. Patent No. 6,766,817
1000-1393, U.S. Patent Application No. 10/823,359
1000-1399, U.S. Patent Application No. 10/823,356
1000-1400, U.S. Patent No. 6,918,404
1000-1663, U.S. Prov. Patent Application No. 60/718,403
1000-1664, U.S. Prov. Patent Application No. 60/718,403

We are disengaging from representing you in these matters because we believe that a conflict of interest has arisen between our representation of you and "Tubarc," and your efforts to market your technology in a manner that goes against our advice. We have repeatedly advised and requested that you cease your efforts to engage in your e-mail campaign to submit Rule 37 CFR 1.56 allegations to hundreds if not thousands of U.S. patent attorneys and companies. We believe that this amounts to a campaign of harassment rather than a positive licensing effort.

Additionally, we believe your e-mail campaign amounts to a "spamming" campaign, and as such, may be considered harassment at best and illegal at worst. You have continued with your e-mail campaign despite our repeated requests that you cease these efforts. Because of these reasons we are now in a conflict of interest situation and cannot continue to represent you in the above-referenced patent matters.

We will file the necessary paperwork with the United States Patent and Trademark Office (USPTO) to withdraw from our representation of you in these patent matters. We will also mail you your files for your records. Additionally, we will request that all future correspondence from the USPTO be sent directly to you rather than Ortiz & Lopez. With this address change, let this email letter serve as notice to you of our formal disengagement from representation. In the event correspondence from the USPTO is inadvertently delivered to us, we will forward such correspondence to you.

With this change of address, Ortiz & Lopez will no longer receive correspondence from the USPTO and you will be responsible for future correspondence, payment of issue fees, maintenance fees, and docketing. Furthermore, Ortiz & Lopez will no longer have responsibility in this matter but can be reengaged if the conflict of interest between us ceases.

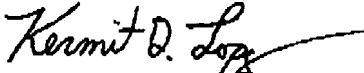
With regard to the above-referenced patent application, we strongly recommend that you seek other patent counsel in order to properly formulate a response to any future Office Actions that you may receive from the U.S. Patent & Trademark Office and for the filing of any conversion/non-provisional patent applications based on any pending provisional patent applications.

Your new counsel may wish to discuss this case with us. That may be to your advantage both substantively and economically. We are willing to do so as long as satisfactory arrangements are made to compensate us in advance for the additional time and expense that we will incur. We may have certain work product that was generated during the course of our representation of you. We are willing to share it with your new counsel.

Consider our professional relationship with you terminated. We earnestly wish you the best of luck in your future endeavors.

Sincerely,

ORTIZ & LOPEZ, PLLC



Kermit D. Lopez
Patent Attorney